

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Nathaniel Tesley**
Docket No. **280021**
L.C. No. **97-001166-01**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal for leave to appeal is DISMISSED for lack of jurisdiction because the defendant cannot appeal the denial or rejection of a successive motion for relief from judgment. See MCR 6.502(G)(1). MCR 6.502(G)(2) does not apply to defendant's case because *Halbert v Michigan*, 125 S Ct 2582 (2005) is irrelevant to defendant's case. *Halbert* involved a situation where a trial judge denied a request for appellate counsel based on a statute. In this case defendant was appointed appellate counsel.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP - 7 2007

Date

Sandra Schultz Mengel
Chief Clerk